

106TH CONGRESS
1ST SESSION

H. R. 353

To amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS), and to provide Medicare coverage of drugs used for treatment of ALS.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mrs. CAPPS (for herself, Mr. FORBES, Mr. VENTO, Mr. OBERSTAR, Mr. EVERETT, Mr. ACKERMAN, Ms. DANNER, Mrs. THURMAN, Mr. MEEHAN, Ms. JACKSON-LEE of Texas, Mr. WEYGAND, Mr. DELAHUNT, Mr. GILMAN, Mr. BILBRAY, Ms. RIVERS, Ms. KILPATRICK, Mr. BOEHLERT, Mr. SHERMAN, Mr. HORN, Mr. COYNE, Mr. OLVER, Mr. GREEN of Texas, Ms. ESHOO, Mr. BENTSEN, Mr. KUCINICH, Mr. BALDACCI, Mr. ROTHMAN, Mr. KLECZKA, Mr. ENGLISH, Mr. RODRIGUEZ, Mr. BORSKI, Mr. McDERMOTT, Mrs. CLAYTON, Mr. KENNEDY of Rhode Island, and Mr. FOLEY) introduced the following bill; which was referred to the Committee on Ways and Means and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS), and to provide Medicare coverage of drugs used for treatment of ALS.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Amyotrophic Lateral Sclerosis (ALS) Treatment and As-
4 sistance Act of 1999”.

5 (b) FINDINGS.—Congress finds the following:

6 (1) Amyotrophic Lateral Sclerosis (ALS), com-
7 monly known as Lou Gehrig’s Disease, is a progres-
8 sive neuromuscular disease characterized by a degen-
9 eration of the nerve cells of the brain and spinal
10 cord leading to the wasting of muscles, paralysis,
11 and eventual death.

12 (2) Approximately 30,000 individuals in the
13 United States are afflicted with ALS at any time,
14 with approximately 5,000 new cases appearing each
15 year.

16 (3) ALS usually strikes individuals who are 50
17 years of age or older.

18 (4) The life expectancy of an individual with
19 ALS is 3 to 5 years from the time of diagnosis.

20 (5) There is no known cure or cause for ALS.

21 (6) Aggressive treatment of the symptoms of
22 ALS can extend the lives of those with the disease.
23 Recent advances in ALS research have produced
24 promising leads, many related to shared disease
25 processes that appear to operate in many
26 neurodegenerative diseases.

1 (c) PURPOSES.—It is the purposes of this Act—

2 (1) to assist individuals suffering from ALS by
3 waiving the 24-month waiting period for medicare
4 eligibility on the basis of disability for ALS patients;
5 and

6 (2) to provide medicare coverage for outpatient
7 drugs and therapies for ALS.

8 **SEC. 2. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDI-**
9 **CARE COVERAGE OF INDIVIDUALS DISABLED**
10 **WITH AMYOTROPHIC LATERAL SCLEROSIS**
11 **(ALS).**

12 (a) IN GENERAL.—Section 226 of the Social Security
13 Act (42 U.S.C. 426) is amended—

14 (1) by redesignating subsection (h) as sub-
15 section (j) and by moving such subsection to the end
16 of the section, and

17 (2) by inserting after subsection (g) the follow-
18 ing new subsection:

19 “(h) For purposes of applying this section in the case
20 of an individual medically determined to have amyotrophic
21 lateral sclerosis (ALS), the following special rules apply:

22 “(1) Subsection (b) shall be applied as if there
23 were no requirement for any entitlement to benefits,
24 or status, for a period longer than 1 month.

1 “(2) The entitlement under such subsection
2 shall begin with the first month (rather than twenty-
3 fifth month) of entitlement or status.

4 “(3) Subsection (f) shall not be applied.”.

5 (b) CONFORMING AMENDMENT.—Section 1837 of
6 such Act (42 U.S.C. 1395p) is amended by adding at the
7 end the following new subsection:

8 “(j) In applying this section in the case of an individ-
9 ual who is entitled to benefits under part A pursuant to
10 the operation of section 226(h), the following special rules
11 apply:

12 “(1) The initial enrollment period under sub-
13 section (d) shall begin on the first day of the first
14 month in which the individual satisfies the require-
15 ment of section 1836(1).

16 “(2) In applying subsection (g)(1), the initial
17 enrollment period shall begin on the first day of the
18 first month of entitlement to disability insurance
19 benefits referred to in such subsection.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to benefits for months beginning
22 after the date of the enactment of this Act.

1 **SEC. 3. MEDICARE COVERAGE OF DRUGS TO TREAT**
2 **AMYOTROPHIC LATERAL SCLEROSIS (ALS).**

3 (a) IN GENERAL.—Section 1861(s)(2) of the Social
4 Security Act (42 U.S.C. 1395x(s)(2)) is amended—

5 (1) by striking “and” at the end of subpara-
6 graph (S),

7 (2) by striking the period at the end of sub-
8 paragraph (T) and inserting “; and”, and

9 (3) by adding at the end the following new sub-
10 paragraph:

11 “(U) any drug (which is approved by the Fed-
12 eral Food and Drug Administration) prescribed for
13 use in the treatment or alleviation of symptoms re-
14 lating to amyotrophic lateral sclerosis (ALS).”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall apply to drugs furnished on or after
17 the first day of the first month beginning after the date
18 of the enactment of this Act.

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